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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,445	08/17/2006	Satoru Nemoto	062007	7483

38834

7590

06/09/2011

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EXAMINER

ART UNIT

PAPER NUMBER

DATE MAILED: 06/09/2011

Please find below and/or attached an Office communication concerning this application or proceeding.

***Continued Examination Under 37 CFR 1.114***

Receipt is acknowledged of a request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e) and a submission, filed on March 31, 2011.

The submission, however, is not fully responsive to the prior Office action because the claims presented are directed to a different invention. Newly submitted independent **claim 2** is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Until now, both the first path (the path of the molding die) and the second path (the path of the holding mechanism), have been circular, as required by original claims 2 and 10. In the submission filed March 31, 2011, claim 2 requires that the second path have an elastically changing radius. Since a circle by definition has a fixed radius, the old invention and the invention recited by claim 2 are mutually exclusive.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 2, 5-6 and 8-19 stand withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Applicants cannot file an RCE to obtain continued examination on the basis of claims that are independent and distinct from the claims previously claimed and examined as a matter of right (i.e., applicant cannot switch inventions). See 37 CFR 1.145.

Since the submission appears to be a *bona fide* attempt to provide a complete reply to the prior Office action, applicant is given a shortened statutory period of ONE MONTH or THIRTY DAYS from the mailing date of this letter, whichever is longer, to submit a complete reply. This shortened statutory period for reply supersedes the time period set in the prior Office action. This time period may be extended pursuant to 37 CFR 1.136(a).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Magali P. Slawski whose telephone number is (571)270-3960. The examiner can normally be reached on Monday through Thursday, 9 a.m. to 5 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jennifer K. Michener can be reached on (571) 272-1424. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jennifer K. Michener/  
Supervisory Patent Examiner, Art Unit 1728

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